

Timothy Elliott Tipton
6/29/2021

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF OKLAHOMA
3
4 TROY D. GERMAN,)
5 Plaintiff,) Case No.
6 vs.) CIV-19-751-F
7 BILLY D. "RUSTY" RHOADES,)
8 individually; MICHAEL HARRELL,)
9 individually; BRIAN ORR,)
10 individually; and MEGAN SIMPSON,)
11 individually,)
12 Defendants.)
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DEPOSITION OF TIMOTHY ELLIOTT TIPTON

TAKEN ON BEHALF OF THE DEFENDANTS

ON JUNE 29, 2021

IN OKLAHOMA CITY, OKLAHOMA

COMMENCING AT 9:35 A.M.

* * * *

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EXHIBIT

tables

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1 that these are a series of text messages that were
2 recovered from Mr. German's phone pursuant to a
3 search warrant.

4 Have you ever -- have you seen these text
5 messages before today?

6 MR. BOWERS: Object to the form. You can
7 answer.

8 THE WITNESS: You know, I may have been
9 shown text messages. Well, I take that back. I
10 believe I'm going to have to decline to answer that
11 question.

12 Q (By Mr. Gaskins) Decline to answer on what
13 grounds?

14 A Because I'm still under a court order not to
15 talk about Grand Jury happenings.

16 Q Okay. Tell me about this court order. When
17 was this court order issued?

18 A Prior to the Grand Jury. I'm not -- I don't
19 remember the date.

20 Q Okay. Was there a hearing that you were
21 present at where an order was entered saying you
22 cannot talk about the Grand Jury?

23 A I don't know if there was a hearing or not.

24 Q Okay. Have you ever been instructed in a
25 court -- a written court order that you cannot

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1 discuss your Grand Jury testimony?

2 MR. JAMES: Objection to form.

3 THE WITNESS: I was -- I was subpoenaed.

4 Q (By Mr. Gaskins) Okay.

5 A And in that subpoena, I believe there were
6 directions that indicated that. Two things. One, I
7 believe, was that I could not even say that I was
8 party to a Grand Jury proceeding for six months, I
9 believe, is the timeframe.

10 Q Okay.

11 A And it was my understanding that I have
12 never been released from talking about the actual
13 testimony in the Grand Jury.

14 Q Okay. So there was an order, you believe,
15 that precluded you from testifying -- from talking
16 about it for six months?

17 A No, no, no, even telling somebody, other
18 than my attorney, that I was subpoenaed to the Grand
19 Jury.

20 MR. GASKINS: Okay. Counselor, are you
21 advising him not to visit --

22 MR. JAMES: Yes.

23 MR. GASKINS: Okay. So --

24 MR. JAMES: Because I will -- for this
25 record, at the end of that proceeding, I do believe

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1 that Judge Henderson instructed him, with the
2 Attorney Generals in a video connection to the court,
3 he is not to discuss his testimony.

4 THE WITNESS: Yeah.

5 MR. GASKINS: And was there a for cause
6 hearing on that?

7 MR. JAMES: Well, you know, when I look at
8 the statute, I kind of -- I know about the for cause.
9 I don't -- I don't know what the formality of that
10 was.

11 We were brought into a room outside of the
12 Grand Jury. Judge Henderson is on the TV. The
13 Attorney Generals -- Assistant Attorney Generals are
14 in there. There is a discussion from Judge
15 Henderson.

16 So, I mean, I have kind of wondered, is that
17 truly the show cause as required by the statute? Did
18 the state file a motion or anything that -- nothing
19 that I have ever been presented, but there was oral
20 discussion with Judge Henderson at the close of our
21 appearance before the Grand Jury.

22 MR. GASKINS: And you're not aware if there
23 is a written order to that effect?

24 MR. JAMES: I have never seen one.

25 MR. BOWERS: And I'll state for the record

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1 Q And I -- and I want to -- just to get on the
2 record, you don't dispute you told Captain Holt that
3 this is -- this is -- this is what you believe Troy
4 German told Commissioner Rhoades on Lines 20 through
5 23 on Page 18?

6 A That I -- that I said that I'm -- that, "You
7 know, he would use terms, term, I'm going to -- I'm
8 going to get him in the rabbit hole or dig a hole."

9 I'm trying to remember the terms. I don't
10 know. I wasn't there for the conversation, so I'm
11 trying to --

12 Q Sure. I understand there is going to be an
13 objection to this. Did you tell the Grand Jury, the
14 Multi-County Grand Jury, that Troy German was
15 attempting to get Commissioner Rhoades -- get him in
16 the rabbit hole or dig a hole even deeper?

17 MR. JAMES: Objection. Do not answer the
18 question. It's violative of the order of Judge
19 Henderson of the date of the appearance before the
20 Multi-County Grand Jury.

21 MR. GASKINS: Sure, and we have previously
22 discussed this, and we will certify that question.

23 Q (By Mr. Gaskins) So let's go on to Line 24.
24 "So he went to him and said you -- you want to keep
25 this quiet, I want to be your guy."

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1 MR. JAMES: What line did you say?

2 MR. GASKINS: Starting on Line 24, Page 18.

3 MR. JAMES: Okay.

4 Q (By Mr. Gaskins) "So he went to him and
5 said you -- you want to keep this quiet, I want to be
6 your guy, is what he kept relaying to me."

7 Is that accurate as to what Troy German was
8 relaying to you?

9 A No, what I believe what was being relayed to
10 me was that Troy was, like, asking the question, how
11 do you be the guy who gets a call from the chief and
12 is given the answers? And I -- and I think I talk
13 about that, you know, how do I get the answers to the
14 test or whatever, how do you be that guy?

15 Q Did you -- did you tell the Grand Jury that
16 Troy German told you that he told Commissioner
17 Rhoades, "I want to be your guy?"

18 MR. JAMES: I direct you not to answer.

19 I'll stand on my previous --

20 MR. GASKINS: Sure.

21 MR. JAMES: -- objection without going
22 through it every time.

23 MR. GASKINS: Sure. No, I've got it.

24 MR. JAMES: All right.

25 MR. GASKINS: I just want to make our record

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1 Q Okay. All right. But you don't dispute you
2 told -- you don't dispute you told Captain Holt that?

3 A Well, I think that -- I'm trying to
4 articulate something that's coming across, like, it's
5 him -- and pardon my language, but I would refer to
6 it as Troy German was dicking with him, how do you be
7 that guy? How do you -- how do you become that guy?

8 Q As you sit here today, do you -- do you
9 believe Commissioner Rhoades knew that Troy German
10 was, quote, "dicking with him"?

11 A I don't have a clue what Commissioner
12 Rhoades thought.

13 Q And did you inform the Multi-County Jury --
14 the Multi-County Grand Jury that Troy German told you
15 that he told Commissioner Rhoades, "How do I get to
16 where I can be promoted?"

17 MR. JAMES: I direct you not to answer.

18 MR. GASKINS: And we'll certify that
19 question.

20 MR. JAMES: I'll just say for the record, if
21 you want to get his Grand Jury testimony, we have no
22 objection, and continue his deposition and you can
23 ask him questions about his testimony before the
24 Grand Jury.

25 MR. GASKINS: I think there is a difference

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1 A Yes.

2 Q Okay.

3 A Oh, okay. Yes, but he's not eligible, no.

4 That isn't my belief that -- he's trying to talk him
5 into effecting change in the promotional process.

6 Q Okay. And that's what he meant by "I want
7 to be like Brian". It wasn't about I want a -- I
8 want a personal promotion myself?

9 A Absolutely not. It was -- it was if we're
10 going to work together on this and we're going to
11 effect change together, then these are the things
12 that need to happen to cause that change to be
13 effected.

14 Q Did you tell the Grand Jury that Troy German
15 told you that he informed Commissioner Rhoades that I
16 want to, quote, "be like Brian"?

17 MR. JAMES: Don't answer that question.

18 MR. GASKINS: We'll certify that.

19 Q (By Mr. Gaskins) I think we have previously
20 talked about -- and I think you -- this was a -- this
21 was a phrase you used, to take -- that Brian Orr was
22 attempting to take Commissioner Rhoades down a rabbit
23 hole. Do you recall saying that?

24 A You mean -- you mean Troy German?

25 Q I mean -- sorry. Troy German was trying to

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1 demand -- I believe what he demanded was an
2 investigation.

3 Now, if that investigation led to the
4 termination of Mike Harrell, then, you know, that
5 could be possible, and is that what the question was?
6 Did Troy want Rusty Rhoades to investigate Mike
7 Harrell and terminate him? Well, if that's what the
8 result of the investigation was, then yes.

9 So, again, a summary of an interview is
10 difficult to know the context of that statement.

11 Q (By Mr. Gaskins) I understand there will be
12 an objection to this. Did you tell the Multi-County
13 Grand Jury that Troy German requested Commissioner
14 Rhoades terminate Harrell for the allegations of
15 cheating?

16 MR. JAMES: I direct you not to discuss your
17 testimony before the Grand Jury.

18 MR. GASKINS: We'll certify that question.

19 Q (By Mr. Gaskins) And did you -- did you
20 tell the Grand Jury that German was trying to
21 convince Rhoades to allow German to be his guy or try
22 to get German -- or try to get Rhoades to, quote, "go
23 down a rabbit hole"?

24 MR. BOWERS: Object to the form.

25 MR. JAMES: Objection to -- I direct you not